

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

ADALBERTO M. ANDRADE,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:04-cv-1235-TMP
)	
DEAN HOTH, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on August 17, 2007, recommending that the defendants' special reports be treated as a motion for summary judgment and, as such, that the motion be granted and that this action be dismissed with prejudice. No objections have been filed by any party.¹

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and hereby is ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, the defendants' motion

¹ The copy of the report and recommendation (Doc. #52) sent to the plaintiff at the Federal Detention Center in Oakdale, Louisiana, was returned by the postal service as undeliverable, with a notation that the plaintiff has been "deported." The court has received no address update from the plaintiff and is unaware of his present whereabouts.

for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DONE this the 17th day of September, 2007.

A handwritten signature in black ink, reading "Sharon Lovelace Blackburn". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

SHARON LOVELACE BLACKBURN
CHIEF UNITED STATES DISTRICT JUDGE